

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 04-50171-01

VERSUS

JUDGE S. MAURICE HICKS, JR.

TYNA LARRY

MAGISTRATE JUDGE KIRK

**ORDER**

Before the Court is a Motion for Miscellaneous Relief (Record Document 119) filed by the defendant, Tyna Larry (Vanderzanden). In such motion, defense counsel asks the Court to recommend that the defendant be screened for participation in the Bureau of Prisons' Residential Drug Abuse Program ("RDAP"). See id. The motion is based on the defendant's determination that she should participate in the RDAP; yet, the motion also concedes that the defendant's PSR did not reveal a history of drug or alcohol abuse. See id., ¶¶ 3, 5.

The Government opposes the motion, namely on the grounds that neither the PSR nor its own extensive investigation indicated a history of drug or alcohol abuse on the part of the defendant. See Record Document 120. Further, the Government notes that the RDAP is "designed for those with severe drug abuse problems," as compared to those individuals with *low level* drug problems who may qualify for the non-residential drug abuse treatment. Id., Exhibit 1 (emphasis added).

Based on the record before this Court, it does not appear that a recommendation for screening for participation in the RDAP is warranted. The RDAP is a discretionary program. Further, there is no evidence, other than her own bald assertion, that the defendant has a substance abuse or drug problem or that she meets the criteria of a drug use disorder.

Accordingly,

**IT IS ORDERED** that the Motion for Miscellaneous Relief (Record Document 119) filed by the defendant, Tyna Larry (Vanderzanden), be and is hereby **DENIED**.

**THUS DONE AND SIGNED**, at Shreveport, Louisiana, this the 4<sup>th</sup> day of June, 2007.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE